

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Petitioner,

v.

Case No. 21-CR-81

JEREMIAH STRONGBEAR BERG, JR.,

Respondent.

ORDER DENYING MOTION FOR SENTENCE REDUCTION

On September 2, 2021, Defendant Jeremiah Strongbear Berg, Jr., entered a plea of guilty pursuant to Rule 11(c)(1)(C) whereby the court was required to impose a consecutive 5-year term of imprisonment on Counts One and Three for a total of 10 years. The court ultimately sentenced Berg to a 57-month term on Count One to take into consideration time spent in state custody and a 60-month sentence on Count Three as required under the Plea Agreement. The case is now before the court on Berg's motion for a reduction under Amendment 821 to the United States Sentencing Guidelines. Amendment 821 reduced or eliminated the assignment of status points in offender's criminal history category for the purposes of determining his sentence range under the Guidelines. In addition, individuals with zero criminal history points are entitled to a two-level reduction in the offense severity score under the Amendment. Neither provision has any application in this case. Although Berg received two status points under Section 4A1.1, this would not affect his guideline range, since the mandatory minimum 5-year term controls. Moreover, because this was an 11(c)(1)(C) Plea Agreement, the Guidelines had no impact on the sentence imposed. The court was required to impose the 10-year sentence as a condition of accepting the

plea. Under these circumstances, Berg is not entitled to relief and his motion for a reduction is denied.

SO ORDERED at Green Bay, Wisconsin this 26th day of February, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge